

MINUTES

Regular Meeting
City Hall Council Chamber

August 19, 2013
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Christopher H. (Chris) Mabry, David W. White, Jeanette D. Patterson, Dennis C. Bailey; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, NCCMC, MMC, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP; and media representatives

Absent: Council Members Joel R. Shores, Jr. and Dicky Amaya

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Mr. White led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

Mayor Anthony announced the removal of Item B-2 under Special Presentations, which was rescheduled to be heard at the meeting of September 16, 2013.

ACTION TAKEN: Upon a motion made by Mrs. Patterson, City Council voted unanimously to approve the agenda as amended.

B. Special Presentations:

- 1) Presentation of a Proclamation honoring the Military Order of the Purple Heart

Mayor Anthony introduced Major Steve Jolly, who is retired from the US Army, as the Service Officer and Shelby representative of the Military Order of the Purple Heart Wounded Warriors Chapter 634 (MOPH634).

The Mayor formally read and presented the framed proclamation honoring the Military Order of the Purple Heart and supporting the recognition of Shelby as a North Carolina Purple Heart City to Major Jolly.

Major Jolly, on behalf of the MOPH, expressed his deep appreciation to the City of Shelby and shared historical information relating to Shelby and Cleveland County's significant military service contributions.

Mayor Anthony anticipated the attendance of additional officers from the MOPH634 at the meeting of October 21, 2013 to complete their presentation.

2) REMOVED AND RESCHEDULED FOR SEPTEMBER 16, 2013

Shelby-Cleveland County Regional Airport T-Hangar and Taxilane Development Project – Brad Cornwell, Public Utilities Director, and Ben Yarboro, City Engineer

3) Introduction to the Gaston-Cleveland-Lincoln Metropolitan Planning Organization Memorandum of Understanding – Bjorn Hansen, Principal Planner – Transportation, Centralina Council of Governments

Due to Mr. Hansen's absence, Mr. Scharer introduced the subject matter of the presentation namely the introduction of the Gaston-Cleveland-Lincoln Metropolitan Planning Organization's (MPO) proposed Memorandum of Understanding (MOU).

As background information, Cleveland County has been part of the State-created Lake Norman Rural Planning Organization (RPO) for more than a decade and due to population changes identified in the 2010 US Census some of the areas in the RPO were automatically pulled into the Gaston MPO.

These changes prompted a discussion by Cleveland and Lincoln County officials with the Gaston MPO to determine if there was a willingness to allow these counties to be included within the MPO in their entirety.

Following the June 2013 Transportation Advisory Committee approval of a tri-county MPO that consolidated the Gaston Urban Area MPO and the Lake Norman RPO, staff and elected officials from Gaston, Cleveland, and Lincoln counties and the largest cities within each county met again in June 2013 to discuss a new MOU, the governing document of the MPO. This new MOU was included in Council's agenda packet for review and discussion purposes.

Council received the information and a resolution authorizing execution of the MOU will follow under New Business for Council's consideration.

C. Public Comment:

- 1) **Michael Chrisawn, President of the Cleveland County Chamber, introduced the newest member of the Chamber's economic development team, Stuart Hair. Mr. Hair has been hired to fill the position of Manager of Existing Industry Relations. Mr. Chrisawn added Mr. Hair has a strong background in economic development, which included positions with the North Carolina Department of Commerce and the Salisbury-Rowan Economic Development Commission.**

Next Mr. Hair said he was grateful and excited for the opportunity to work in Cleveland County. He added from his previous capacity with the State he has familiarity and established working relationships with several of the local companies and corporate citizens in Shelby and Cleveland County. Mr. Hair is looking forward to supporting existing industries with projects and programs that will help them continue to grow and prosper.

- 2) **Bill Gray who resides at 802 Elmwood Drive in Shelby, North Carolina made reference to his previous requests for information via various methods of contact (in person at public comment, in writing, and by telephone calls) and requested clarification concerning his expectations for a response time.**

Mayor Anthony replied response times can vary depending on the complexity of the questions and the issues. He suggested if questions are put in writing then this method assures those matters are clearly understood and appropriately referred and answered. The Mayor referred Mr. Gray to City Manager Rick Howell for any questions about City policies, services, and protocol. Mr. Gray confirmed if he does not receive a response from City staff within a reasonable period of time, he can return and address City Council at the next public comment period.

D. Public Hearings:

- 1) **Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina (*Carolina Retail Development, LLC petition*): Ordinance No. 27-2013**

Mr. Scharer confirmed Carolina Retail Development, LLC is the owner of the Dollar General property located at the corner of South Lafayette Street and College Avenue and has submitted a Petition for Contiguous Annexation to voluntarily annex approximately 1.1 acres located at 1810 South Lafayette Street. The subject property is currently within the City's extraterritorial jurisdiction.

Mr. Howell added the petition is in keeping with City policy regarding voluntary annexation and supports the vision and goals set forth in the Strategic Growth Plan.

Mayor Anthony opened the public hearing at 6:19 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:20 p.m.

ACTION TAKEN: Upon a motion made by Mr. Mabry, City Council voted unanimously to approve and adopt Ordinance No. 27-2013 entitled, “AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA (*CAROLINA RETAIL DEVELOPMENT, LLC PETITION*)”.

- 2) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina (*KSM Castings NC Inc. petition*): Ordinance No. 28-2013

Mr. Scharer confirmed KSM Castings NC Inc. is the owner of property located at 641 Plato Lee Road and has submitted a Petition for Satellite Annexation to voluntarily annex approximately 56 acres. The subject property is currently outside the City’s extraterritorial jurisdiction. Staff has reviewed the proposed annexation and determined the property is within reasonable proximity to the existing primary City limits. The cost and practicality of extending the full range of municipal services to the property is also economically feasible.

Mayor Anthony noted the future annexation of KSM Castings was one of the terms of their original Incentive Agreement with the City.

Mayor Anthony opened the public hearing at 6:21 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:22 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 28-2013 entitled, “AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA (*KSM CASTINGS NC INC. PETITION*)”.

E. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. Bailey made a motion to approve the consent agenda and each item as presented. The consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of August 5, 2013
- 2) Approval of a resolution honoring Larry Dean Robbs on the occasion of his retirement from employment with the City of Shelby: Resolution No. 55-2013
- 3) Approval of a resolution authorizing disbursement of travel and tourism funding for Fiscal Year 2013-2014: Resolution No. 56-2013
- 4) Approval of a Notice of Cancellation in the regular meeting schedule of Shelby City Council

END CONSENT AGENDA

F. Unfinished Business: None

G. New Business:

- 1) Consideration of a resolution approving the Gaston-Cleveland-Lincoln Metropolitan Planning Organization Memorandum of Understanding: Resolution No. 57-2013

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 57-2013 entitled, "A RESOLUTION APPROVING THE GASTON-CLEVELAND-LINCOLN METROPOLITAN PLANNING ORGANIZATION MEMORANDUM OF UNDERSTANDING".

- 2) Consideration of Fiscal Year 2013-2014 Budget Ordinance Amendment No. 2: Ordinance No. 29-2013

Mr. Howell introduced Ordinance No. 29-2013 for Council's consideration. He explained the City has many areas where utilities cross waterways. Any time the region experiences significant, heavy rainfall, as has been the case this summer, one of the Shelby Utilities standard protocols is to inspect and observe what staff considers high priority crossings such as aerial sewer lines and other utility crossings at creeks and rivers that could potentially be damaged by abnormal conditions. Mr. Howell stated in particular the creek

crossings for a natural gas line on Cleveland Avenue as well as a natural gas and water crossing on Melrose Drive has been adversely affected and must be repaired in the very short term. Both of these situations were unexpected and unbudgeted. The natural gas crossing repairs are estimated to cost approximately \$229,500.00 and the water line crossing approximately \$68,550.00. These funds are proposed for appropriation from the Natural Gas Retained Earnings (reserves) and the Water Retained Earnings (reserves). Mr. Howell reiterated these were both unavoidable results caused by significant erosion due to the heavy rains.

Mr. Mabry noted Shelby was very fortunate with regard to these repairs considering the amount of rainfall and stressed the importance of maintaining reserves for such uncontrollable circumstances.

ACTION TAKEN: Upon a motion made by Mr. Bailey, City Council voted unanimously to approve and adopt Ordinance No. 29-2013 entitled, "FISCAL YEAR 2013-2014 BUDGET ORDINANCE AMENDMENT NO. 2".

H. City Manager's Report:

- 1) Mr. Howell announced and encouraged Council to attend the North Carolina League of Municipalities Annual Conference scheduled for October 13 – 15, 2013 in Hickory, North Carolina.

I. Council Announcements and Remarks:

- 1) Mayor Anthony recognized Shelby Fire and Rescue Department Captain David Vanhoy in attendance and congratulated him for recently being named the North Carolina State Firemen's Association 2013 Firefighter of the Year.
- 2) Mr. Bailey reminded Council the schedule of the American Legion World Series games coincides with at least one regularly scheduled Council meeting. Since it is such an important event related to Shelby and to encourage attendance, he recommended it might be appropriate to reschedule any conflicting Council meetings around the series in the coming years.
- 3) Mr. Mabry acknowledged the arrival of Centralina's representative, Bjorn Hansen, and relinquished his time to Mr. Hansen to introduce himself and address Council.
- 4) Mr. White provided follow-up information to his recommendation of scheduling recurring presentations by Uptown Shelby Association and the

Cleveland County Chamber before Council and renewed his request for quarterly reports.

- 5) Mrs. Patterson shared news concerning former Shelby Police Officer and former Cleveland County Commissioner, Willie McIntosh, who is scheduled for surgery tomorrow, August 20, 2013. She requested all to remember Mr. McIntosh in their thoughts and prayers.

J. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:28 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

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